

1 HONORABLE DAVID G. ESTUDILLO
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10 **UNITED STATES DISTRICT COURT**
11 **WESTERN DISTRICT OF WASHINGTON**
12 **AT TACOMA**

13 MAVERICK GAMING LLC,

14 Plaintiff,

15 v.

16 UNITED STATES OF AMERICA, et al.,

17 Defendants.

18 Case No.: 22-cv-05325-DGE

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21 **DECLARATION OF CHARLENE**
22 **NELSON IN SUPPORT OF THE**
23 **SHOALWATER BAY INDIAN**
24 **TRIBE MOTION TO DISMISS**

25 I, CHARLENE NELSON declare:

26 1. I am the elected Chairwoman of the Shoalwater Bay Indian Tribe (“Tribe”). I make this
27 Declaration in support of the Tribe’s Motion to Dismiss. I have served on the Shoalwater
28 Bay Indian Tribe Tribal Council for sixteen years. I have personal knowledge of the facts
stated below and would be competent to testify to them in court.

2. The Tribe is a federally-recognized tribe located in Tokeland, Washington on the

1 Shoalwater Bay Indian Tribe Reservation. The Reservation was created in 1866 by an
2 Executive Order signed by President Andrew Johnson.

3. As Chairwoman of the Tribe, I am the presiding officer over the Tribal Council, and am
4 the highest-ranking officer among the tribal officers. I make this declaration based on my
5 role as a Tribal member and as the highest-elected official of the Tribe.

6. The Constitution of the Tribe Article VI, Section 1(s) delegates sole authority to the Tribal
7 Council to assert sovereign immunity as a defense and to waive the sovereign immunity of
8 the Tribe.

9. The Tribal Council has not waived its sovereign immunity in this matter nor has it
10 consented to this Court's jurisdiction to hear the claims brought by the Plaintiff. The Tribal
11 Council has not authorized any tribal officials or representatives, including the Tribe's legal
12 counsel representing the Tribe in this litigation, to waive the Tribe's immunity or otherwise
13 consent to this Court's jurisdiction.

14. In 2007, the Tribe incorporated Willapa Bay Enterprises ("WBE") to build a stronger
15 economic base. Today, WBE operates the Shoalwater Bay Casino, a restaurant, gas station,
16 a small motel and conference center, oyster company and liquor store.

17. Collectively, the WBE employs 120 employees, thirty percent (30%) of whom are tribal
18 members, tribal spouses or their immediate family, jobs that are critically needed in our
19 rural community

20. The Shoalwater Bay Casino provides a gathering place for the Tribe and members of our
21 local community who do not otherwise have entertainment and relaxation options in our
22 small town.

23. The Tribe and its tribal members are proud of the investment and growth of the WBE in

1 our town.

2 10. I have reviewed the pleading entitled Tribe's [Proposed] Motion to Dismiss, including that
3 section entitled "Historical Context: Shoalwater Bay Indian Tribe" at pages 4 – 9, and upon
4 information and belief, understand the factual statements therein to be true.

5 11. Attached hereto as Ex. B-1 is a true and correct copy of the following newspaper article:
6 Arthur Santana & Jack Broom, *Shoalwater Tribe, Marshals Face Off—Agents Start to*
7 *Confiscate Slot Machines*, SEATTLE TIMES, Sept. 23, 1998. .

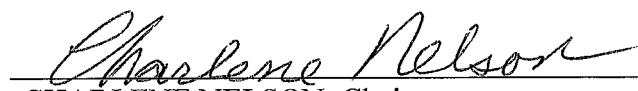
8 12. Attached hereto as Ex. B-2 is a true and correct copy of the Order Deferring Decision and
9 Staying Proceedings on Reconsideration Motion, August 23, 2001 issued by United States
10 Department of the Interior Office of Hearings and Appeals, Docket No. NIGC 99-2.

11 13. Attached hereto as Ex. B-3 are true and correct copies of "Maverick Gaming Press Releases
12 of June 14, 2019; June 27, 2019; August 19, 2019; and October 1, 2019".

13 14. Attached hereto as Ex. B-4 is a true and correct copy of SHOALWATER BAY INDIAN TRIBE
14 CONSTITUTION.

15 I declare under penalty of perjury that the foregoing is true and correct.

16 Executed this 3rd Day of August, 2022.

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23 CHARLENE NELSON, Chairwoman
24 Shoalwater Indian Bay Tribe
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